

RALPH J. MARRA, JR.
Acting United States Attorney
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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,	:	Hon. Anne E. Thompson
v.	:	Criminal No. 08-706
DAVID BRIGGS	:	CONSENT JUDGMENT AND PRELIMINARY ORDER OF FORFEITURE

This matter having been opened to the Court by Ralph J. Marra, Jr., Acting United States Attorney for the District of New Jersey, (Assistant United States Attorney Jennifer Davenport, appearing), for the entry of a consent judgment and preliminary order of forfeiture, and defendant David Briggs (David Schafer, Esq., appearing) having consented to the request; and the Court having found that:

WHEREAS, the defendant, having been convicted of the offense in violation of Title 18, United States Code, Section 922(g)(1); and pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c), has agreed to forfeit to the United States the following property: a Charter 2000 .38 caliber handgun, model Undercover, which had the serial number obliterated (hereinafter the "Forfeited Property"); and

WHEREAS, the defendant, David Briggs, has specifically acknowledged notice of the criminal forfeiture, consented to the entry of a Consent Judgment and Preliminary Order of Forfeiture, and waived his right to be present and heard on the timing and form of this order pursuant to Federal Rules of Criminal Procedure 32.2(a) and 43(a); and

WHEREAS, the defendant, David Briggs, has agreed not to contest the forfeiture of the above referenced property;

WHEREAS, by virtue of the above, the United States is now entitled to possession of the Forfeited Property pursuant to 18 U.S.C. § 924(d)(1), 28 U.S.C. § 2461(c) and Rule 32.2 of the Federal Rules of Criminal Procedure; and

WHEREAS, defendant David Briggs has waived and abandoned all right, title and interest in the Forfeited Property; and defendant David Briggs has further waived, released and withdrawn any claim that defendant may have made with respect to the Forfeited Property, and waived and released any claim that defendant might otherwise have made to that property in the future; and

WHEREAS, defendant David Briggs having consented to the destruction of the Forfeited Property; and for good and sufficient cause shown;

It is hereby ORDERED, ADJUDGED AND DECREED:

1. That the Forfeited Property, specifically:

a Charter 2000 .38 caliber handgun, model Undercover, which had the serial number obliterated, is to be held by any authorized agency of the United States in its secure custody and control;

2. That pursuant to applicable law the United States forthwith shall publish at least once for three successive weeks in a newspaper of general circulation, notice of this Order, notice of the United States' intent to dispose of the Forfeited Property in such manner as the Attorney General may direct and notice that any person, other than the defendant, having or claiming a legal interest in the Forfeited Property must file a petition with the court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier;

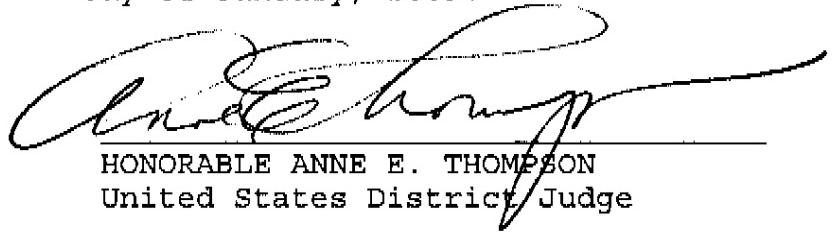
3. That this notice: (a) shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Forfeited Property; (b) shall be signed by the petitioner under penalty of perjury, and (c) shall set forth the nature and extent of the petitioner's right or interest in the Forfeited Property and any additional facts supporting the petitioner's claim and the relief sought;

4. That the United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the Forfeited Property that is the subject of this Consent Judgment and Preliminary Order of

Forfeiture, as a substitute for published notice as to those persons so notified; and

5. That upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture authorizing the United States to destroy the Forfeited Property.

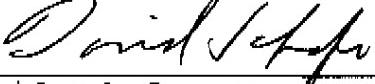
ORDERED this 16 day of January, 2009.


HONORABLE ANNE E. THOMPSON
United States District Judge

RALPH J. MARRA, JR.
ACTING UNITED STATES ATTORNEY


By: Jennifer Davenport
Assistant U.S. Attorney

1/16/09
Dated


David Schafer, Esq.
Counsel for the Defendant

1/16/09
Dated


David Briggs
Defendant

1/16/09
Dated